

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southwest Gas Corporation for Authority to Increase Rates in San Bernardino, Placer, El Dorado and Nevada Counties, California.

Application 02-02-012
(Filed February 13, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ADOPTING MODELING PROCEDURES**

This ruling adopts procedures governing the production of computer model runs using Southwest Gas Corporation's (Southwest) results of operations (RO) computer model to generate tables needed for decision support. The use of computer models in Commission proceedings is governed by Sections 1821-1822 of the California Public Utilities Code, and Rules 74.1-74.7 of the Commission's Rules of Practice and Procedure.

Good cause appearing, the proposed modeling procedures and attendant protective order are adopted by this ruling. They shall govern the RO modeling process that will be administered by the Energy Division.

IT IS RULED that in order to assure the confidentiality of the Commission's deliberative process, the modeling procedures set forth in Attachment 1 to this ruling, and the attendant protective order set forth in

Attachment 2 to this ruling, are hereby adopted. Said procedures are binding upon the parties.

Dated September 2, 2003, at San Francisco, California.

/s/ BRUCE DEBERRY
Bruce DeBerry
Administrative Law Judge

ATTACHMENT 1

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RESULTS OF OPERATIONS (RO) MODELING PROCEDURES

Upon request of the Energy Division Director or his designee(s), Southwest and/or the Office of Ratepayer Advocates (ORA) will provide all necessary assistance to the Energy Division in running the RO model used by Southwest in A.02-02-012 to produce tables required for the proposed decision, any alternate decision, and the final Commission decision. The following requirements shall govern the modeling process:

Model run(s) shall be performed at the Commission offices under the supervision, oversight, and control of the Energy Division Director or his designee(s).

Model run(s) shall be performed using computer hardware, software, and media installed or placed in the Commission Offices. All such hardware, software, and media, and all related notes, worksheets, workpapers and computer output, shall remain in the custody of the Energy Division Director or his designee(s), and shall not be removed from the Commission Offices until 30 days after issuance of a final Commission decision which incorporates the model run, provided, however, that to the extent needed for issuance of the decision and issuance of supporting workpapers, media, notes, worksheets, and computer output may be released on and after the date of issuance of the proposed or alternate decision.

The computer equipment used to perform model runs shall be "stand-alone," i.e., it shall not be connected with any other computer, computer system, or any other device which would allow communication of information in the model, model run, or inputs or outputs.

Before obtaining access to any information contained in or pertaining to the draft proposed decision or any alternate decision

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each employee, agent, or representative of Southwest and/or representative of ORA involved in the modeling shall sign a certificate assuring compliance with the protective order attached hereto.

The Energy Division Director or his designee(s), shall determine that each Southwest employee, agent, or representative and representative of ORA who receives access to information about the contents of the proposed decision and any alternate decision has first signed a certificate of compliance with the protective order.

As soon as practicable after the date of issuance of the proposed decision and, if applicable, alternate decision, and no later than seven days after the date of such issuance, Energy Division, and if necessary with the assistance of employees, agents, or representatives from Southwest and/or representatives of ORA having signed a certificate of compliance with the protective order, shall serve workpapers associated with this modeling upon each party of record making prior written request for them. Workpapers associated with the model run supporting the ALJ's proposed decision shall be designated Late-Filed Exhibit 300. If it is necessary for Energy Division to prepare and issue an alternative set of workpapers in connection with one or more alternate decisions, Late-Filed Exhibits 305-310 are reserved for this purpose. Workpapers may be served in electronic form. To the extent that Energy Division believes that the workpapers would contain confidential information, it will consult with Southwest and, if necessary, Southwest may file a motion for a protective order to address or limit the parties or individuals who may receive the workpapers. The protective order attached hereto is only designed to prevent disclosure of confidential information prior to the issuance of the final decision adopting Southwest's Test Year 2003 revenue A.02-02-012.

(END OF ATTACHMENT 1)

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PROTECTIVE ORDER

1. This Protective Order shall govern the use by Southwest Gas Corporation (Southwest) or any of its employees, representatives or agents and representatives of the Commission's Office of Ratepayer Advocates (ORA) of all protected materials as defined herein. "Protected Materials" include confidential written or oral communications from the staff of the Commission's Energy Division or ALJ Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the draft proposed decision or any alternate decision prior to the public issuance of a final decision in Phase 1 of A.02-02-012 adopting Southwest's Test Year 2003 revenue requirement. "Protected Materials" also include all computer hardware, software or media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents which relate to these written or oral communications from the Energy Division staff.
2. The term "Certificate of Compliance" shall mean the certificate annexed hereto by which Southwest employees, representatives or agents, and/or representatives of ORA who will be granted access to Protected Materials, shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No Southwest employee, representative or agent, or representative of ORA will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, Southwest and ORA shall provide the Commission's Energy Division with the original of each Certificate of Compliance, that has been executed, and shall serve a copy of each Certificate of Compliance on all parties on the Commission's service list in this proceeding.
3. The term "Reviewing Representative" shall mean each Southwest employee, representative or agent, and representative of ORA who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected

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Materials and shall not disclose in any manner any information contained in or relating to the Protected Materials to any person, except another Reviewing Representative or an employee of the Commission involved in the decision-

making process in this proceeding (excluding Office of Ratepayer Advocates' employees not having signed the certificate of compliance with the Protective Order), until after issuance of a final decision in Phase 1 of A.02-02-012 adopting Southwest's Test Year 2003 revenue requirement.

4. A supervisor in Southwest's management or ORA management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. The supervisor in Southwest management or ORA management shall also take all reasonable and necessary steps to ensure that nobody at Southwest or ORA attempts to learn from any Reviewing Representative the contents of any Protected Materials prior to the issuance of the final decision in A.02-02-012 adopting Southwest's Test Year 2003 revenue requirement.
5. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

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CERTIFICATE OF COMPLIANCE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order in this proceeding, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relates to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I acknowledge that a violation of this certificate constitutes a violation of an order of the Public Utilities Commission of the State of California.

By: _____

Title: _____

Date: _____

(END OF ATTACHMENT 2)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Adopting Modeling Procedures on all parties of record in this proceeding or their attorneys of record.

Dated September 2, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.